

IFW CP1626 ✓

Docket No.: K21502USWO (C038435/0186787)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Werner BONRATH *et al.*

Serial No.: 10/535,604

Filed: May 19, 2005

For: **MANUFACTURE OF TOCOPHERYL
ACETATE**



Examiner: T. A. Solola

Art Unit: 1626

New York, New York
August 8, 2006

**RESPONSE TO RESTRICTION REQUIREMENT INCLUDING PETITION FOR
EXTENSION OF TIME, INTERVIEW SUMMARY, AND AMENDMENT**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed July 7, 2006, which set a one-month shortened statutory period for response. A one-month extension of time to respond to the Office Action is hereby requested. Accordingly, this response is filed timely upon mailing, with an executed certificate of mailing, on or before September 7, 2006. 37 CFR §§ 1.8, and 1.136. Enclosed is a check in the amount of \$120.00 to cover the fee for the extension of time. 37 CFR § 1.17. Please charge any required extension-of-time fees not otherwise paid by check to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.

08/15/2006 SSITHIB1 00000002 10535604

01 FC:1251

120.00 OP

On page 2 of the Office Action, the Examiner issued a five-way restriction requirement pursuant to 35 USC §§ 121 and 372. The restriction divided the claims into the following allegedly distinct inventions: Group I drawn to "a method of making 3-phytyl-2,5,6-trimethylhydroquinone-1-acetate by C-alkylating 2,3,6-trimethylhydroquinone-1-acetate," containing claims 1 (in part), 2, 5, 7-10, 19-22 (in part), and 26-31; Group II drawn to "a method of making 3-phytyl-2,5,6-trimethylhydroquinone-1-acetate by O-alkylating 2,3,6-trimethylhydroquinone-1-acetate," comprising claims 1 (in part), 3, 6, 11-18, 19-22 (in part), and 32-37; Group III drawn to "a method of making tocopheryl acetate comprising ring closure of 3-phytyl-2,5,6-trimethylhydroquinone-1-acetate," comprised of claims 4 and 25; Group IV drawn to "3-phytyl-2,5,6-trimethylhydroquinone-1-acetate and its stereoisomers," comprised of claim 23; and Group V drawn to "4-hydroxy-2,3,6-trimethyl-5-[3-(4,8,12-trimethyltridecyl)-but-3-enyl]phenyl acetate," comprised of claim 24. (Paper No. 20060627 at 2.)

INTERVIEW SUMMARY

The Examiner is thanked for the courtesies extended during the telephonic Examiner Interview conducted with the undersigned on July 26, 2006. During the interview, the Examiner agreed that, with the amendment of claim 4 to depend from claim 1, the subject matter of Groups I-III (Claims 1-22 and 25-37) forms a single inventive concept under PCT Rule 13.1. Accordingly, the Examiner agreed that (with the amendment shown below) the subject matter of Groups I-III (Claim 1-22 and 25-37) would be examined together, if elected.

Application No.: 10/535,604
Amendment Dated: August 8, 2006
Reply to Office Action Dated: July 7, 2006

Please amend the application as follows:

AMENDMENTS TO THE CLAIMS are reflected in the listing of claims, which begins on page 4 of this paper.

REMARKS begin on page 11 of this paper.